

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

| | | |
|---------------------------|---|---------------------------------|
| UNITED STATES OF AMERICA, |) | |
| |) | |
| Plaintiff, |) | |
| |) | |
| vs. |) | Case No.: 4:09-CR-00360-CDP-DDN |
| |) | |
| JAMES JOSEPH, |) | |
| |) | |
| Defendant. |) | |

MOTION TO RELEASE RECORDS

COMES NOW Defendant James Joseph, by and through his attorney, Joel J Schwartz, and requests that this Court enter an order to the Bureau of Prisons, Pre-Trial Services and U.S. Probation and Parole that they each release to defense counsel any and all documents relating to a warrant for defendant out of New York County, New York, for People v. Leland Reed, 1703/2002. In support of this motion, defendant asserts the following:

- a. When defendant was taken into custody on this case, Pre-Trial services flagged a warrant for him out of New York County, New York, for People v. Leland Reed, 1703/2002;
- b. The Bureau of Prisons also flagged this same warrant for defendant when he was subsequently taken into their custody;
- c. Defendant's release from BOP after he had served his sentence was delayed because of this New York warrant. Information from both the defendant and from BOP suggests New York declined to extradite defendant. Defendant was released from BOP custody and ultimately placed under the supervision of the Central California U.S. Probation Office.

- d. Defendant has now been arrested on the New York warrant and is being held in New York County, New York. The prosecution of this case against him, however, may be time barred because of defendant's right to speedy trial if New York was aware that he was in custody and declined to extradite him at that time.
- e. BOP, Pre-Trial Services and U.S. Probation and Parole will not release information regarding their respective knowledge of this New York warrant without the Court ordering them to do so.

WHEREFORE, defendant prays that this Court enter and Order to the Bureau of Prisons, Pre-Trial Services and U.S. Probation and Parole that they release to defense counsel any and all documents relating to a warrant out of New York County, New York, for People v. Leland Reed, 1703/2002.

Respectfully submitted,

ROSENBLUM, SCHWARTZ, ROGERS & GLASS, PC

By: /S/ Joel J Schwartz
JOEL J SCHWARTZ, #18652
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CERTIFICATE OF SERVICE

I hereby certify that on January 12, 2011, the foregoing was electronically filed with the Clerk of the Court to be served by operation of the Court's electronic filing system upon Mr. Howard Marcus, Assistant United States Attorney.

Motion to Release Records

ROSENBLUM, SCHWARTZ, ROGERS & GLASS, PC

By: /S /Joel J Schwartz
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